United Nations S/PV.6651

Security Council

Sixty-sixth year

Provisional

6651 st meeting

Thursday, 10 November 2011, 10 a.m.

New York

President:	Mr. Moraes Cabral	(Portugal)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	Colombia	Mr. Alzate
	France	Mrs. Le Fraper du Hellen
	Gabon	Mr. Messone
	Germany	Mr. Berger
	India	Mr. Hardeep Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mrs. Ogwu
	Russian Federation	Mr. Karev
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. McKell
	United States of America	Mrs. DiCarlo

Agenda

Election of five members of the International Court of Justice (S/2011/452, S/2011/453 and S/2011/454)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2011/452, S/2011/453 and S/2011/454)

The President: The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats that will become vacant on 5 February 2012 on the expiry of the terms of office of the following Judges: Judge Abdul G. Koroma (Sierra Leone), Judge Hisashi Owada (Japan), Judge Bruno Simma (Germany), Judge Peter Tomka (Slovakia) and Judge Xue Hanqin (China).

The list of candidates indicating the national groups by which each candidate was nominated is contained in document S/2011/453.

I should like to inform members of the Council that I have received letters addressed to me by the Legal Counsel, dated 4 and 9 November 2011 respectively, informing me, on behalf of the Secretary-General, that after the established deadline for the filing of nominations, namely 30 June 2011, several national groups submitted nominations to the Secretariat. I should like to draw members' attention to the fact that all such additional nominations relate to candidates already nominated by other national groups and whose names therefore already appear in document S/2011/453. The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decisions of the aforementioned national groups. I am also informed that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nominations of the aforementioned national groups are as follows: for Ms. Tsvetana Kamenova, Malta; for Mr. Abdul G. Koroma, Malta; for Mr. Hisashi Owada, Colombia, the Democratic Republic of the Congo, El Salvador, India, Liechtenstein, Malta and Romania; for Ms. Julia Sebutinde, Romania; for Mr. Peter Tomka, Liechtenstein and Romania; for Ms. Xue Hanqin, India, Liechtenstein and Romania.

The Security Council has before it a memorandum by the Secretary-General contained in document S/2011/452, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected".

The required majority in the Security Council is eight votes.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than five, then pursuant to rule 61 of the provisional rules of procedure of the Security Council, the Council will proceed to a second ballot on the remaining vacancies. Balloting will continue in the same manner until five candidates have obtained the required majority of votes.

If, on the other hand, more than five candidates obtain the required majority, according to established practice and as set forth in paragraph 13 of the Secretary-General's memorandum, a new vote will be held on all the candidates. That rule will also apply to any subsequent ballots if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot containing the names of all the candidates. No candidacy withdrawal will be accepted once the ballot papers have been distributed. However, it will be possible to withdraw between ballots.

Members of the Council will be requested to place an "X" in the boxes next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot are eligible for election.

I should like to remind members of paragraph 10 of the Secretary-General's memorandum, which specifies that "[e]ach elector may vote for not more than five candidates on the first ballot". Any ballot

paper containing votes for more than five names will be considered invalid.

I should like to inform Council members that, in accordance with established practice, the ballot papers in the Security Council will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

Only when five candidates have obtained the required majority of votes in the Security Council will I communicate the result to the President of the General Assembly. I will request the Council to remain in session, pending receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers.

The delegation of China will not be considered to serve as a teller because a candidate of that nationality has been nominated. Because my delegation this month occupies the Council presidency, it will also be excluded from serving as a teller.

In this box are the names of the 13 other delegations that can serve as tellers. I will now draw two.

The names of the delegations of Nigeria and Gabon have been drawn. I request each of those delegations to appoint one of their members to serve as teller.

At the invitation of the President, Ms. Onanga (Gabon) and Mr. Onowu (Nigeria) acted as tellers.

The President: May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President: I take it that all the members of the Council have now voted and I ask the Conference Officer to collect the ballot papers.

* * *

The President: All the ballot papers have been collected. I should like to remind Council members that, in accordance with the established practice, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have also been collected. The Council will remain in session pending the receipt of that information.

* * *

The President: I have been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots. As agreed in our consultations, there will be two independent countings of the ballots, one by each teller. I should like to remind Council members that in accordance with established practice, I shall wait for the General Assembly to complete its count before I announce the results of the voting in the Security Council. The Council will remain in session.

* * *

The President: The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Number of abstentions:	0
Required majority:	8
Number of votes obtained:	
Mr. Giorgio Gaja	13
Ms. Tsvetana Kamenova	4
Mr. Abdul G. Koroma	10
Mr. Hisashi Owada	14
Ms. Julia Sebutinde	5
Mr. El Hadji Mansour Tall	1
Mr. Peter Tomka	13
Ms. Xue Hanqin	15

Accordingly, the following candidates received the required majority of votes in the Security Council: Ms. Xue Hanqin, Mr. Hisashi Owada, Mr. Giorgio Gaja, Mr. Peter Tomka and Mr. Abdul G. Koroma. I

have communicated the result of the voting to the President of the General Assembly in writing.

I wish to inform members of the Council that I have received the following letter from the President of the General Assembly:

> "I have the honour to inform you that, at the 53rd plenary meeting of the General Assembly, held today for the purpose of electing five members of the International Court of Justice, the following candidates obtained an absolute majority of votes in the General Assembly: Mr. Giorgio Gaja, Mr. Hisashi Owada, Ms. Julia Sebutinde, Mr. Peter Tomka and Ms. Hanqin Xue."

As both the Security Council and the General Assembly have agreed on four candidates, the jurists Mr. Giorgio Gaja, Ms. Xue Hanqin, Mr. Hisashi Owada and Mr. Peter Tomka have been elected to the International Court of Justice for a period of nine years, beginning on 6 February 2012. I should like to congratulate them warmly and to wish them every success in the high office to which they have been elected.

As a result of the voting that has taken place in the Security Council and in the General Assembly, four members of the Court have been duly elected. In accordance with Article 11 of the Statute of the Court, the Council will now proceed to hold a second meeting to elect a candidate by further ballots for the seat remaining to be filled. Accordingly, I shall adjourn this meeting, and call to order the second meeting to elect a candidate by further ballot, after a brief recess to allow for the preparation of new ballots.

The meeting was adjourned at 11.45 a.m.